Fran: Clarke Prelim

THE OPINIONS

Of ſeveral

Learned Antiquaries,

VIZ. { *Dodridge*, *Agar*, *Tate*, *Camden*, *Holland*, *Cotton*, *Selden*.

TOUCHING

The Antiquity, Power, Order, State, Perſons, Manner, and Proceedings of the High Court of

PARLIAMENT IN ENGLAND.

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UMI

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The Opinions of ſeveral Learned Antiquaries, touching the Antiquity, Power, Order, State, Perſons, Manner and Proceedings of the High Court of Parliament in *England*.

Dodridge.

THere is no King in the World, nor Subjects of any King, that have a greater, and more binding, and yet a freer Council, than this our Parliament in *England*, whoſe general Acts, ſince all men muſt take notice of, it may profit any man to underſtand the Dignity, Order, and Antiquity thereof. Soveraignty, the higheſt degree of Honour, is imported in the very Summons: For the King alone (*Rex Regio*) as a A *jure* Flower

Flower of the Crown, hath the absolute power of calling and dissolving it. Order it self stands represented, when the Court is sitting, such is the Majesty of the Presence, the gravity of the persons, and their state in proceeding: but this being often seen, and so best known, and the other unknown to many that sit, and often see the order of this Court.

Therefore we will treat principally of the Antiquity of this high Court of Parliament. And first of the Appellation: The Word *Parliament*, some derive it from Peers, *quasi parium Conventus*; or as others say Parliament, *Quasi parium lamentum.*

Others more probably from the *French* word *Parler*, or that of the *Greek* παραλαλεῖν, to treat and confer freely. The *French* Histories say, that this name in this sense, began at the Assemblies of the Peers of *France*, *Anno Domini* 1200.

But it appeareth to be more Ancient with us than of that time: For *Ingulphus* who died *Anno* 1009. saith *in Publico nostro Parliamento, &c.* taking it there for a meeting, or Chapter of the Abbots.

Angelo King of *Polonia*, in *Polish* States calleth the Assembly *Generale Parliamentum.*

tum. This may raiſe a doubt of the former Etymology of it, from the *French* word *Parler*. But, no doubt, the word was brought into the Statiſts in the time of *Henry* the Firſt, to the general Council of the Kingdom.

But the like Aſſemblies as Parliaments being much more ancient than the Parliament, underwent theſe names of old times. The *Britains* called them *Keyfrithen*, becauſe Laws were therein made by the Engliſh *Saxons* in their *Engliſh Graduiſes*, a Council; ſometimes *Wittena motu*, a meeting of Wiſe men: ſometimes by the *Greek* word, *Synodus*. The *Latin* Authors of that age called it *Concilium magnatum conventus Curiæ altiſſima preſentia Regis Prælatorum, Procerumque collectorum*; as appeareth by the Charter of *Withlaſſias*, *Anno* 833. and of King *Edgar*, *Anno* 966.

And now to ſtep *a nomine ad Rem*, before the time of Soveraignty, Natures Law directed men to the love of Society, and care to preſerve it, gained free conſent even of lawleſs men to admit of certain Cuſtomes as Laws, herehence framing matter of form for a Commonwealth.

But new ſpringing miſchiefs, remedileſs by the elder Cuſtomes, cauſeth, for remedy thereof, the calling of yearly Councils, the Original, no doubt, of our after Parliaments; and it ſhall appear that our Kingdom from as grounded authority as any other Nation, can prove of old the practice of thoſe great Aſſemblies, then called Councils, now Parliaments. Thoſe Sages, the *Druides*, moſt proper to this Iſle, had yearly Conventions of their nobleſt and beſt people, in a middle conſecrated plott of this Kingdom, puniſhing with proſcription from their Sacrifices, whoſo obeyed not thoſe general deſigns.

Before the *Romans* arrived in this Kingdome, *Caſſibulan* was before *Communi Concilio*, Chieftain of the *Britains* Forces; *Summa enim Imperii Bellique adminiſtrandi communi Concilio permiſſa eſt Caſſibulano.* The Ancient Laws of the *Britains* (which to the honour of our Common Laws have to their uſe to this day) were compoſed in their Common Councils; the multitude at that time, as poſſeſſed of nothing, had neither voice nor place; Uſury, Tribute, and Greatneſs, having made them ſervile to their betters.

And

And thus ſtood the State until by Conqueſt it was made a Province. So before our *Britains* learned the Laws of their Victors, they held their Common Councils.

Tacitus ſeemeth to aſcribe much to the proſperous proceedings of the *Romans* againſt the *Britains*, *quod non in communi conſuluerunt*.

After the entry of the *Romans*, who with their People brought their Laws, their Councils were *Comitia*, as Parliaments compounded of the three degrees, (*Senatores*, *Equeſtres*, *Plæbi*) and termed *Curiata*, *Centuriata*, or *Tributa*, ſo called for that the people were divided *Per curias*; in which Aſſembly, *Populus Suffragia tenebat*; diſtinguiſhed by Seath ſummoned by the Lictor, held in the City had power to conſult of Peace and War, and to diſpoſe of the leſſer publick Offices.

Romulus was founder thereof, and nobler people were divided *per Centurias*; for this the Council fore-ſent by Edict, *quis dies comitiis, centurialis futurus eſt*, ſummoned *per Corni nicem*, aſſembled in *Campo martio*, becauſe all in Arms.

In this year were diſpoſed the greater Magiſtracies, and affairs of that. *Hoſtilius* was the Inſtitutor, *Tullie* gloried in tha

he was recalled from *Eailege Centuriata Tributa*; For in this be people aſſembled by their Tribunes: Much agreeing with that of *Curiata*: And the *Leges peculiares* were general *Juſſu populi, Regnante Magiſtrati,* but not in force, as Laws, until their promulgation, for which cauſe the Country Tribunes repaired to certain Fairs, where Proclamation was made of thetr new Laws, and holding it *æquum ut quiſquam obligeretur quod ſine culpa ſua ignorat*; but theſe Freedoms of the people maimed as the Empire grew abſolute.

And when that State declined, we (as other infranchized Countries) began to give Laws to our ſelves. Therefore the *Britains* told *Auguſtine, Se non poſſe abſque ſuorum conſenſu, & licentia, priſcis abdicare moribus.* And thus it ſtood in *Britain* until the coming of the *Saxons.* Now that ſubſtance and form of Parliamentarv Aſſemblies, went all along the *Saxon* age, held during the incurſion of the *Danes*, and was continued by the Conqueror in part. And when the aſſembly of the three Eſtates formed the Parliament (as now we keep it) it ſhall by clear proofs and preſidents appear. The Story of the *Saxons* and their Laws do ſhew that they were of the ſame mind,

mind, tranſlated hither, as *Tacitus* ſaith the *Germans* were, *Nec legibus infinita Poteſtas de minoribus Rebus Principes conſultant de majoribus omnes Rex Edwinus* (ſaith *Beda, lib. 2. cap. 13.*) *Quod antiquam fidem ſuſciperet dixit ſe cum amicis Principibus & conſiliariis ſuis collaturum.*

In a Charter of King *Ethereld*, it appeareth *quod ad Sinodale concilium apud Cirenchester universi optimates simul convenerunt, & Astricum majestratis reum de hac patria profugum expulerunt.* *Bertholphus* held a Council at *Kingburn* (*Pro Regni negotiis congregatum*) to the which the weſt *Saxon* King, and people ſent thither their Legate. *Ingulphus* hath many places of clear proof, but I will move but one: *In festo Nativitatis Beatæ Mariæ, cum universi magnatis Regni per Regium Edictum, Sommoniti tam Archiepiſcopi, Epiſcopi Abbates & cleri, quam totius Regni Proceres, & optimates London convenerunt ad tractandum de Negotiis publicis totius Regni conſumatis omnibus Rex Eldredus coram universis Domino Turketillo Abbati monachisque ſuis accercitis dedit Monaſterium de Crowland, &c.*

Here you may ſee the ſampler of our Parliament; but to come nearer, when King *Ina* eſtabliſhed his Laws he ſaith, I *Ina* King of the Weſt *Saxons*, have called

all my Fatherhood, Aldermen, and my wiſeſt Commons, with the Godly men of my Kingdom to conſult of great and weighty matters.

Here is preſented in King *Ina*, the Kings Royal perſon, the Fatherhood in thoſe Ancient times were thoſe whom we call Biſhops, and therefore we ſhould term Reverend Fathers.

By Aldermen the Nobility is meant. So honourable was the word Alderman in thoſe times, that only Noblemen were called Aldermen; by the wiſeſt Commons is ſignified the Knights and Burgeſſes; And ſo is the Kings Writ at this day: *De diſcieoribus & magis ſufficientibus.* By Godly men is meant the Convocation-houſe, for that it conſiſted only of Religious men; to conſult of great and weighty matters. So is the Kings writ, *pro quibus dam Ardius & urgentibus negotiis, nos ſtatum, & defenſionem Regni noſtri Angliæ, & Eccleſiæ Anglicana concernentibus.*

The like was in King *Alfreds* days, where the King, *Sancti Epiſcopi, & Sapientes laici Statuerunt leges,* calling the Statute Books *Libri Sinodales,* all their Laws going by way of ſuffrage general, according to the writ of our Parliament, Wherefore King *Offa* having gathered, *Concilia ſapi-*

apientum, the beſt Laws of *Ina* allured, and *Etheldred* would not publiſh them until ſuch time, (as the text ſaith) *oſtendenda hac omnibus ſapientibus nominis & dixerunt omnes placet cuſtodire ea.* But howſoever the Government was by ſundry Kings, and continually at interwar, the *Saxon* time held hardly one form of this their great Aſſembly or Council, yet in *Canutus* days, he having Conquered all, and reduced that Heptarchy into a Monarchy.

So that he could ſay, *Sicut in una lege univerſum Angliæ Regnum Regeretur.* It is plain that he held a Parliament, though not then ſo ſtiled, yet truly ſo to be accounted, and ſince it hath all parts of our Parliament, we might rightly call it ſo. In the preamble to his Laws thus he ſaith, *Convocato itaque Communi Procerum comitatu & Epiſcoporum abbatum & Cætiorum Nobilium. Nec non & cæteræ nobilitatis ſapientaque totius Angliæ conſilio Satagebat cora decreta & in quanta humana ratio voluit & Stabiliret.*

After this pious King *Edward* the Confeſſor, in a Charter made to *Weſtminſter*, for thus he ſaith; *hanc igitur Chartum Donationis & libertatis in dedicatione predict Eccleſiæ recitari niſi coram Epiſcopis Abbatis, comitibus & optimatibus Angliæ omnique populo audiente.*

But

But now to come to the *Normans* time after the Conqueſt, the two firſt Kings, the Conqueror and his Son *William Rufus*, Reigned with their Swords in their hands abſolutely of themſelves, not admitting the former general aſſemblies of the States. But permitting only Provincial Synods the Clergy for compounding of the Eccleſiaſtical cauſes; where nevertheleſs they ſit as preſidents. And the Conqueror himſelf did not challenge to himſelf, ſo abſolute a conqueſt; but the Laws that he made have this Title; *Hic intimatur quod Gulielmus Rex cum principibus ſuis conſtitutus.* And in giving Laws to this Nation: *Fecit ſumoniri per univerſos, Conſulatus Anglia Angos Nobiles & Sapientes ſua lege erudi os ut coram & nira & conſuetudines ab ipſis Archiepiſcopis, & Epiſcopis audiret.*

And often doth he and his Son call *William, Archiepiſcopis, Epiſcopis, Abbates, Comites, Baronies, Vicecomites, cum ſuis militibus ad Conſulendum.* And likewiſe oftentimes afterwards, until the time of *Henry* the firſt, we find that there were *Conventus Epiſcoporum, Abbatum & Procierum Regni Londini, in Palatio Regis*: Wherefore, *Pollidore Virgil*, and *Palladine* were much deceived if they thought that *Henry* the firſt's Parliament within this Realm; neither do they ſeem

to

to be of that opinion, their words being that *Reges ante tempora Henrici Primi, non conſueverunt populi Conventum conſultandi cauſa niſi per raro facere.*

Therefore they might hold ſome, though not ſo often as their Succeſſors, or agreeing with the Manuſcript of *Canturbury*.

That the firſt Parliament wherein the Commons were called, as well as the Peers and Nobles was 16 *H.* 1. for it is true that after the Conqueſt until this time, the Commons were not called; and ſo at this time they will have it firſt called by the name of Parliament, indeed if the policy of the time be noted that may yeild ſome difference. The ſtrangers had no way to make permanent their Victory, but by adding other Laws, and plucking up the old roots of Families they found, and to plant them in themſelves as in new grounds.

So for that age it was their wiſdom to rule, and not to adviſe with the people. But *Henry* the firſt, a new budd of the old ſtock, being a natural *Engliſhman* himſelf, born at *Selby* in *Lincolnſhire* in love of the *Engliſh* Nation to whom he ought his ſtrength.

The *Normans* at that time ſtanding at Terms of revolt from him in favour of his Brother

Brother *Robert* Duke of *Normandy*, he well underſtanding the love of his people, called them to his great Councils, and ſetling the Authority of this Court of Parliament, ſo Eſtabliſhed his Throne, that neither *Britain*, *Dane*, nor *Saxon* could ever after to this day diſturb either him or his poſterity, from the poſſeſſion of this Land; the making of his Laws were by act of Parliament: the Marriage of his Daughter *Mawde*; and the intailing of the Crown to her, were done by Act of Parliament.

The Accord made between *Stephen* and him, was made by Parliament. And conſequently all the ſucceeding Kings ſince, have ever concluded *Grandia Regni* only in the Parliament, yet all the times ſince have not kept the ſaid form of the Aſſembling of the three Eſtates. For ſometimes the principal of the Nobility were only called, and they, at the end of the Parliament were to impart to the other Barons and their Country, that was done in the Parliament. Afterwards King *John* ordained, that all the Barons of *England* ſhould come in their proper perſons to the Parliament, being Summoned. 20 Knights fees, after 20 *l.* a fee; going to the value of one entire County; 18 Knights fees making

king an entire Baron, by which they ſat.

But King *H.* 3. after he had ſmarted by the Tumultuation of the Barons, their multitudes bringing Confuſion, ordained that thoſe Earls and Barons, only to whom he directed his writ ſhould come unto the Parliament and none elſe. And this with *H.* 3. began his Son *Edward* the 1. the Founder of this our civil Eſtate, calling the Barons, and appointing the Knights and Burgeſſes to be elected, and of the Barrons ſelected the wiſeſt, and ſuch as pleaſed him, and did omit them, and their Children, which did not equal them, and their Parents, in Wiſdome and Vertue: So held it until the time of *Edward* the 3. there being then a writ then in uſe, *De admittendo fide dignos ad colloquium.*

Some alſo at that time called, as *William* Earl of *Nottingham*, to attend upon the King with 120 men at Arms, *Lawrence de Haſtings* Earl of *Pembroke*, with 120 at Arms, and ſo divers others. The calling was with diſtinction; the Biſhops and Barons, *De negotiis tractatu & conſilium impenſuri*, the Knights, and Burgeſſes *Ad faciendum & conſentiendum*, thoſe times had certain Ordinances beſides Statutes; For whatſoever the Lords and Commons agreed upon, was

was preſently an ordinance, but when the King gave his Royal aſſent unto any ordinance, it then became a Statute.

For the Kings Anſwer is no more, *Le Roy le wile, on le Roy le aviſera.*

And before the Printing of Acts was uſed, they were always Engroſſed, and Sealed with the Great Seal of *England*, and proclaimed in every Shire; which uſe was continued from the time of *H.* the Third, until *H.* the Seventh's days.

And the form was, the King, by the advice of the Lords Spiritual and Temporal, at the ſpecial inſtance of the Commons aſſembled in Parliament, hath made and eſtabliſhed theſe Ordinances and Statutes, to the Honour of God, the good of the King and Realm. In which words you may obſerve a ſummary of this great Council.

1. Firſt, the perſons the three Eſtates.

2. Secondly, The end for which the Parliament was called *(viz.)* the Honour of God, *&c.*

3. Thirdly, The means by Council and conſent each duty of the three degrees is inſinuated in theſe three things, *(viz.)* requeſt of the Commons, advice of the Lords, and eſtabliſhment of the King.

1. The

1. The firſt expreſſing the ſuiters for the Royal aſſent is never prayed by the Lords, but by the Speaker, the mouth of the Commons.

2. The Second, diſtinguiſhing the Houſe, the King hearing the Cauſes debated only by the Lords.

3. The Third, intimating that no Bill receiveth life until the Royal aſſent be given.

So by looking back it is eaſy to ſee the great Antiquity of this great Court, deduced as you ſee from before the *Romans*, but never ſo dignified as ſince Queen *Elizabeths* time.

Now for the nature of a Parliament, It is *Conſilium* and it is *Curia*; the power of it in matters hereditary and perſonal. The proceedings of it in cauſes Criminal and Civil.

The privileges of it, *Sedentibus Servientibus*. The Offices, Officers, and order of that Court; we leave to a farther diſcourſe; thus much only of the Antiquity of Parliaments in *England*.

THE

The Antiquity, Power, Order, State, Manner, Persons, and Proceedings of the High Court of Parliament.

Dodridge.

THe most Ancient and First Parliament is that in *Pollidore Virgil*, in the Reign of *H.* 1. the 16th year, which was about the year of our Lord God 1106. and that was held at *Salisbury* (as he saith) where were assembled with the King, all the Prelates, Nobles, and Commons, to consult for the publick weal, and as he thinketh before that day, the King never called the people to consult, or make Laws, and he deriveth the name of the *French* word *Parler*.

There is an Ancient Roll in some mens hands, which describeth the whole State and Order of the Parliament, and the title of

of it is, *De modo tenendi Parliamentum.* And it is further deſcribed, *modus quomodo Parliamentum Regis Angliæ & Angli Sumoniri tenebatur tempotibus Regis Edwardi filii Etheldredi, qui modus recitatus fuit coram Willielmo Duci Normandiæ conqueſtore Rege Angliæ, & per ipſum approbatus.*

By this it ſhould ſeem, as they are deſcribed in that Roll, were held in the time of *Edward the Holy*; for he was the Son of *Etheldred*. For *Edward* the Elder was the Son of *Alfrid*, and this *Edward the Holy* lived about the year 1043. And by this it ſhould ſeem alſo that the Conquerour held a Parliament. In this it is firſt ſet down what Clergy-men were called, which were not only Biſhops, but Abbots and Priors, that held *Per Baroniam.* By which I do gather, that they came not to that place as they were Spiritual men, but by reaſon of their Temporal Honour that they enjoy in the Commonwealth.

For they have a place in the Convocation in reſpect of their Spiritual function, and in that they are a part in the Court of Parliament.

We read of a Parliament in 35 *E.* 1. in which were ſixteen Abbots and eight Priors, but how many of theſe were of the houſe

houſe in general, for that I know it is not clear, that there was then a diſtinction of Houſes.

1. The Firſt is *de Clericis.*
2. The Second *de Laicis.*
3. The Third is *de Militibus.*
4. The Fourth is *de Cinibus.*
5. The Fifth *de Burgenſibus.*

All other Circumſtances of Places, Times, Orders, and ſuch like are recited, which I omit to remember particularly, becauſe I know that is a thing well known to all this Company: And that it differeth from the order of that Court now uſed.

The Court of Parliament hath a double power, the one to conſent by way of deliberation, for the good Government of the Commonwealth, and ſo it is *Conſilium*, not *in Curia*; and another power it hath as a Court of Adminiſtration of Juſtice.

The principal purpoſe of that Aſſembly ſeemeth to be for Conſultation; For the Writs are, *Ad conſultandum & deliberandum*; but being aſſembled, they may hold Plea of Cauſes.

But the difference I find, that in Criminal Cauſes both the upper Houſe and lower Houſe entermeddle therewith, as in Attainders: Only in theſe, the Spiri-

Spiritual Lords do all go out of the Houſe, and give their Aſſent by Proxies, 10 *E.* 4. 6.

But in Civil Cauſes, as in Writs of Error ſued there out of the *Kings Bench*, the Upper Houſe only meddleth, as is well deſcribed in the Caſe of *H.* 7. 19, 20. in a Writ of Error ſued out by one *Flowerdwe*, on a Replevine, wherein Judgement was given againſt him in the *Kings Bench*.

But we have an expreſs Authority in 4 *H.* 7. 18. That in a Criminal Cauſe the Commons muſt aſſent, for the King and Lords did attaint one, and nothing was ſaid of the Commons, therefore by the opinion of the Juſtices, the Act was held void, and the party reſtored.

The Peers of *Scotland* were wont to come to our Parliaments: For 39 *E.* 3. 35. in a Writ of Baniſhment, *Degard* againſt *Gilbert Umfrevile*, he demanded Judgement of the Writ, becauſe he was Earl of *Anguſh*, and not ſo named in the Writ. *Anguſh* (ſaith the Plaintiff) is out of ths Realm; yea, but, (ſaid the Defendant) I am ſummoned to the Parliament by that name; and the Writ was abated.

This therefore proveth, that the Peers of *Scotland* came to our Parliaments for Juſtice.

Juſtice. But *Littleton* ſaith 20 *Ed.* 4. 6. that we ſhall implead an Earl or Duke of *France*, by the name of Knight only.

I need not declare of the nature of a Parliament, how that it is a Body Politick; or of what parts and members it conſiſteth, for that is very well underſtood of all this learned Company; neither of the Order of it at this day, for moſt here know that of their own experience.

The priviledges of it are great, and more ſafely be diſcuſſed, what they are without the Houſe in regard of others, than what they are in the Houſe, for their Liberties there.

OF

Of the Antiquity of the Parliament in *England.*

Agar.

That which we in *Engliſh* call a Parliament, I ſuppoſe and know to have taken the Name from the *French*, and *Norman* Tongue, ſounding upon the word *Parle* or *Parler*, to ſpeak or diſcourſe. In Latin I find that it was called before the which is uſed moſt for the aſſembly of the Spiritualty to treat of Divine cauſes, and ſo was practiſed when *Auguſtine* came to *Canterbury*, where the King of *Kent* called *Ethilbert*, gathered his Nobles and people to underſtand the meſſage, and Preaching of *Auguſtine*; and again it is termed *Conſultatio* as hereafter ſhall be ſet down, and in that ſenſe in *Anno Domini* 833. *Whitlaſas Dux Winnoy. Winnoy* a great Lord or Prince amongſt thoſe of the Fens called *Girrii*, or *Girrogii*, in his Charter for the found-

founding of the Abbey of *Ramſey*, in which he termeth *Egbert* King, and *Atherlworlfe* his Son to be *Dominos ſuos*; and he dateth his Charter thus, *Datum apud Londini vitatem ubi, omnes Congregatum ſumus pro conſilio capiendo contra Danitos Piratos littora Angli aſſidue infeſtantes.*

This mentioneth *Ingulphus*; So that it appeareth when any eminent peril drew near for the hurt of the Common wealth, that then there were called in the Hiſtory of *Eli Duces, Principes, Satrapæ Rectores & cauſidici*, alſo *convenerunt Angelicinus, Aldermani, & Epiſcopus Oſwinus, & alii Epiſcopi, & omnes meliores, contionatores de com. &c.*

And the ſame Author ſheweth *Brithmothus*, moſt noble Duke of *Northumberland*, was called Alderman, *id eſt, Senior vel Dux qui Dinodo magna conſtantia reſtituit Regem Edgarum & alios Monachos dicens, nequaquam ſe ferre poſſe ut Monachi ejicerentur de Regno qui omnem Religionem tenuerunt & coluerunt in Regno.*

King *Offa* in his Charter granted to the Abbey of *Chertſie*, hath theſe words, *Hanc libertatem omnia predicta ad prefatum monaſterium pertinentia in Simodali conventu in loco nomi-*

Hiſtoria de Cheterſey.

natur

natur Edreſdenæ &c. & Teſtes conſiſtentes conſenſu & ſubſcripſi, &c. in Hiſtoria Cherſey penes me remanente.

Canutus the *Dane*, beginning his Laws, ſheweth plainly that he made the ſame by the advice and Council of a Parliament, and beginneth thus: *Hæc eſt conſolatio, quam Canutus Rex mediatione vel decreto ſuorum ſapientum conciliatus eſt cum ſuis ſapientibus apud Wintoniam, &c.* Where I obſerve an old Written Copy, with a Comment thereupon: And they are expounded thus, *Conſiliatio id eſt inſtitutione multorum facto concilio.*

Item conſtitutionem pro inſtitutione, ponit ut innuat hæc non inſtituta fuiſſe ſuo proprio arbitrio, ſed multorum conſilio. And the ſaid King *Canutus* in the preamble of his ſaid Laws, in this manner: *Convocato itaque Comitum Procerumque conventu & Eporum, Abbatum, & cæterorum Nobilium, Nec non & cætera nobilitatis, ſapientiæque totius Angliæ concilio ſatagebat communi decreto ut in quantum humana ratio valeat ea quæ juſta fuerunt ſtabiliret, &c.*

And in the ſaid preamble is ſet down that before his time Synods, and Aſſemblies for the Commonwealth were very rare, ſaying; *Eccleſiæ inſtitutiones, Synodorumque*

ramque conventus apud Anglos inusitati ad huc fuerunt: And the reason I suppose was, before *Canutus* the Realm was Governed by several Kings, but he having Conquered them all, and reduced them into one Monarchy alledgeth in this preamble, *Sunt in uno Rege, ita & una lege universum Anglia Regnum regetur.*

So as I conclude in this point, that before *Canutus* there were no Parliaments in *England*, the reason I have shewed before, which was the diversity, and continual interwar, betwixt the Heptarchy, by him reduced into a Monarchy: Since this time I find that King *Edward* the Confessor in his Charter made to *Westminster* Abbey, did seal the same at a Parliament. For thus he saith, *Hanc igitur donationem liberalitatem in die dedicationis predicta Ecclesia recitari nici coram Episcopis, Abbatibus comitibus, & omnibus optimatibus Angliæ omnique populo audiente, & videnie*; where note these words *omnibus optimatibus Angliæ, & omni populi audiente, &c.* which cannot be but in a general Assembly, by Summons, and that is proved by the number, and diversity of the Witnesses, being Bishops, Abbots, Kings Chancellors, Kings Chaplains, Dukes, Earls, *& ministri multi, &c.*

And

And *William* the Conqueror in his Charter of his Ratification of the liberties of that Church, after he had subscribed the Cross with his name, and besides him a great number of others of the Clergy and Nobility, instead of *cum multis aliis* hath these words, *multis præterea illustrissimis virorum personis, & Regni Principibus diversis ordinis omissis qui similiter hinc confirmatione piissimo affectu testes, & fautores fuerunt hii etiam illi tempore a Regia potestate a diversis Provinciis, & verbibus ad universalem Synodum pro causis cujuslibet Sanctæ Ecclesiæ audiendis & tractandis quod Westmonasterium dicitur convocati, &c.*

And in another Charter of his to the said Abbey are these words, *Anno incarnationis Domini* 1081. *Regni etiam pronominati gloriosi Regis Willielmi* 15o *conevenientibus in unum cunctis primis Primatibus in Nativitate D. N. I. &c.*

I Read not in *Rufus* time of any Parliament, but it appears in the Red Book of the Exchequer, that *Hen.* 1. before the making, or constitution of his Laws setteth down, *Quæ Communi consilio & consensu Baronum Regni Angliæ &c.* and then proceedeth, *omnes malus consuetudines quibus Regni Angliæ oprimebatur inde aufero*

quas ex parte ſuppono Teſtibus Archiepiſcopis, Baronibus, Comitibus, Vicecomitibus, & optimatibus Regni Angliæ apud Weſtmonaſterium quando coronatus fui.

The Marriage of his Daughter *Mawde*, and the intailing of the Crown to her and her Heirs, was done by Parliament; and ſo conſequently all matters of importance was done and concluded, which the accord between him and *Stephen* was done in Parliament, and of ſuch force is an Act of Parliament. Herein the Government of the State of the Realm, as it is deemed as an Oracle from Heaven, and reſteth only in the King and Queens power to qualifie and mittigate the ſeverity thereof. And thus much of the Antiquity.

I leave to others to diſcourſe of the manner how they that are to treat therein are to be called, and of their priviledges. And ſo I end.

THE

The Antiquity of Parliaments.

Tate.

THe diligent obſervers of the Antiquity of this Realm, do very well know that Acts of Parliament are of ſo huge a nature, that they do not only tye the Inheritance of every man, but what is there Ordained, every ſubject of this Land is bound to take notice of at his peril. And becauſe no man that ſhould deſire to inform himſelf therein ſhould be ignorant what was done in Parliament, as now we uſe Printing of the Acts, ſo before Printing, all the Ordinances affirmed by Royal aſſent, were Recorded, and then publiſhed under the Great Seal of *England*, with a general Preface, and proclaimed in every Shire. This you may ſee coutinued from the time of *Henry* the Third till about *H.* the Seventh's days; and ordinarily the form was thus.

The

The King ſuch a day, and at ſuch a place, as at *Weſtminſter*, the ſecond day of *April*, in the ſecond year of the Reign of King *H.* 6. by the advice of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons aſſembled in Parliament, hath made and eſtabliſhed theſe Ordinances, Acts and Statutes, to the honour of God, and good of the King, in form following: And then ſets forth every Act in particular Chapter.

Here you may ſee the perſons aſſembled, the end of their meeting, and the means to make it effectual, The perſons which meet at the Parliament are the Land, the end of the meeting is to be ſomething to Gods glory, the Kings good, and the benefit of the whole land, and the means to effect the ſame is by Conſultation and Conſent.

The particular Duty of each of theſe three, ſeems to be inſinuated in theſe words: Firſt, the requeſt of the Commons; Secondly, the advice of the Lords; Thirdly, the eſtabliſhment of the King. The Commons being moſt in number, and ſuch as live in all parts and places of the Land, are like to have moſt and beſt notice of

of ſuch things as are moſt likely and meet to be provided for; and being weak in power, and moſt ſubject to ſuch inconveniences as greatneſs may lay upon them, and therefore are fitteſt,

Firſt, to lay open their Griefs, and pray Reformation; or though they be not able at the firſt, with Judgment to foreſee enſuing dangers, yet the ſame being once purpoſed, and inſtantly apprehended, they may with inſtance importune allowance of ſuch Laws as may turn to their good, and our own experience teacheth us that the Royal aſſent was never prayed by the Lords, but by the Speaker, who is the mouth of the Commons.

In the preſence of a Prince a common perſon will ſcarce have the Audacity to ſpeak, but when neceſſity maketh him crave help.

And therefore it is properly ſaid, that the King adviſed with the Lords becauſe he heareth the Cauſes debated with them only; the Commons being ſeparated for conſultation, what were fit to propoſe into ſome other place.

Whatſoever the Lords and Commons agree upon is an Ordinance preſently, though it be never ingroſſed, and Sealed with.

with the Great Seal, and proclaimed in the Countries, as the common courſe was; but it took no effect as a Statute, till the King declared his Royal aſſent, which he might very well do by Writ after the Parliament, as well as during the Parliament, *p.* 29. *Ed.* 3. *fol.* 46. 39 *Ed.* 3. *fol.* 7. For the Kings Anſwer is no more, but that he will be adviſed whether he will aſſent or no.

And if he aſſent not till after, it is ſome doubt whether it be an Act of Parliament, or but from the time of the Royal aſſent given.

The general aſſent of the Realm to make Ordinances and Laws, the Ancient Writers called *Concilium commune concilium magnum concilium, Placitum generale curia altiſſima & Parliamentum generale Curia altiſſimum & Parliamentum generale ſeu altiſſimum.*

The *Saxons* called it *Gemote, Pirena,* or *Pizena Gemore, Ealpa, Zemots, Synods.*

I find not the word Parliament before the beginning of *Edward* the Firſt fully in uſe amongſt us, but the aſſembly of the three Eſtates to conſult of the affairs of the Commonwealth, is as Ancient as the *Britains,* and continued here in the time

time of the *Saxons* days, and *Normans*.

I ground my opinion for the *Britains* upon no expreſs authority, but by Inference out of divers. 1 *Ed.* 1. *Cæſ. Com. lib.* 5. *cap.* 5. ſaith, *Summa Imperii bellique adminiſtrandi commiſſa eſt Caſſibulano*, ſo that here we have the name. And if you think that the Commons were not called to this Conſultation, hear what *Zothilius* ſaith of the *Britains*, *Apud hos populus magna ex parte primatum tenet*, exclude themſelves of theſe general Councils, and you deprive them of this right: *Vitas in Hiſtor. Britain. lib.* 8. *fo.* ſaith, That *Arthurus Victor cum Regio Splendore Londinum ingreditur, eaque urbe convocatis clericis Principibuſque ſuæ quidem poteſtatis omnibus conſilium quod optime factu ſit capit Beda, lib.* 2. *cap.* 2. ſaith the *Britains* told *Auguſtine*,

Se non poſſe abſque ſuorum ac licentia priſcis abdicare moribus Beda, lib. cap. 13. *Rex Edwinus antequam fidem Chriſtianam ſubſcriperet Dixit ſe non amicis Principibus, & conſiliariis ſuis collaturum, & habito ſapientibus conſilio*, &c.

The Story of the *Saxons* and their Laws make evident proof that they were ſtill of the ſame mind, tranſplanted hither, as *Tacitus* ſaith the *Germans* were, *nec Regi-*

bus

bus infinito poteſtas de minoribus rebus Principes conſultant de majoribus vero omnes.

Hiſtoria Elienſis lib. 2. de Dunelme mortuo Rege Edgaro Leſſius (vel Lepſius) Deo, & Sancto Petro abſtulit cum rapina Burch, & Vendales & Cataringas poſtea alicibatur generale placitum apud Londinum ad quoddum Duces, Principes, Satrapæ, Rectores, & cauſadici ea omni parte cónfluxerunt, Beatus Ethelwaldus leſſium in vis protaxit coram cunctis injuria patefecit, & bene aparte diſcuſſa ea omnes Ethelwaldo per judicium reddiderunt Burch, & vendales & Katheringas.

Ingulphus hath many places to the like purpoſe, but I will uſe but one, *In feſto Nativitatis Beatæ Mariæ cum univerſi magnates Regni per Regni edictum ſummoniti tam Archiepiſcopi, Epiſcopi & optimates Londoiis convenerunt ad tractandam de Negotiis publicis totius Regni conſummatis omnibus coram univerſis Domino Turkettillo Abbati Monachiſque ſuis accerſitis Rex Etheldredus dedit Monaſterium Croyland,* &c.

Polidore, Virgil and *Paradine* are therefore much deceived if they thought *Henry* the firſt that held any Parliament in this Realm, neither do they ſeem to be of that mind: Their words are, *Reges ante Tempora H. 3. non conſueverunt. Populi conven-*

tum

tum conſultandi cauſa niſi pro raro facere. Yet I think their Succeſſors held Parliaments oftener than they did, yet nevertheleſs they held ſome. And *William* the Conquerour challenged not ſo abſolute a Conqueſt of this Land: But the Law he made hath this Title, *Hic intimatur quod Gulielmus Rex cum Principibus ſuis conſtituit*, &c. And I think all Kings may yield to conſult with their poople, for that reaſon which *Alfrid* uſed in his Preface to his Laws, *Temeritatis videatur ex ſuis ipſius deeretis quenquam plura literarum Monumenta conſignare cum incertum ſit qualem apud poſteros habitura quæ nos magni facimus.*

I have not ſeen *Arthur Halls* Book whereby he diſalloweth the Commons to have any voice in Parliament, and for which he is diſabled to be of the ſame Houſe for ever, but I think he miſtaketh ſome Writers meaning, which ſpeak only of Barons, or Magiſtrates, but words are not ſo much to be regarded as whatſoever the Parliament alloweth, it bindeth as a Law, though it be ſet forth only in the Kings name, as the Statute of *Gloceſter* and *Magna Charta*, or in the names of the Commons only.

In

In the Kings Oath the word (*Populus*) extendeth to the greateſt Subjects of the Land, and ſo doth it alſo in a Recognizance of the peace or good behaviour *quod bene ſe gerat erga populum cunctum*; If therefore he ſtrike or miſdemean himſelf towards a Baron the Recognizance is forfeited.

There is an expreſs Authority that proveth that the word *Magnates* comprehendeth the people. *Howden* ſaith *Anno* 1170. *Rex celebrat magnum conſilium Londinum cum Principibus & magnatibus terra de coronatione. A. filii ſui & Domini ſequenti Clero & populis conſentientibus fecit ipſe filium Suum Coronari.* Francis Tate.

The

The Antiquity of Parliaments.

Camden.

THat there were ſuch like Aſſemblies as Parliaments now are, before the *Romans* arrival, hear ſome rather by the words of *Cæſar*, *lib.* 5. *De Bella Gallico*, *Summa Imperii bellique adminiſtrandi communi concilio premiſſa eſt Caſſibulano*: and for not ſuch due holding of Common Councils.

Tacitus ſeemeth to refer the happy proceedings of the *Romans* againſt the *Britains*, *A quod in communi non conſulerunt.*

Theſe Parliament Aſſemblies the *Britains* do call *Rifrithem*, becauſe Laws were there Enacted.

The Engliſh *Saxons* as ſoon as they ſettled themſelves held alſo the like Aſſemblies, which they called in their Ancient Engliſh Tongue *Gerèduiſſs*, or a Council; ſometime *Wittena motts*, a meeting of wiſe

wiſe men; and ſometime of the *Greek* word *Synoth*. The Latin Authors of that age did call it, *Concillium magnatum conventus*, and *Præſentia Regis Prælatorum Procerumque collectorum*, as appeareth by the Charter of King *Edgar* to the Abbey of *Croyland*, in the year 966.

At which time, it ſeemeth by the ſubſcribing and ſubſigning, that Abbaſſes had the Voices there, and Conſents, as well as the Prelates and Nobles of the Land.

After the *Norman* Conqueſt, the two firſt Kings Reigned with their Swords in their hands, abſolutely of themſelves, *(viz.)* the Conqueror, and *William Rufus* his Son, not admitting of themſelves any general Aſſemblies of the States of the Realm, but permitting only Provincial *Synodus* of the Clergy, for compoſing of Eccleſiaſtical Controverſies (as ſome write) wherein they themſelves ſate nevertheleſs as Preſidents.

Yet in their meeting (as it is in *Hovedon*) where he ſetteth down the Laws of *William* the Conqueror, he did ſet them down, and Councel of the Barons.

Fecit Summoniri per Univerſis conſulatus Angliæ. Anglies Nobiles & Sapientes & ſuæ lege eruditos ut eorum & vira & conſuetudines

ab

ab ipſis audiret Electi igitur de ſingulis totius patriæ comitatibus Viri, Duodecem in revirando confirmaverunt primo, ut quoad poſſuit recto tramite, neque ad dextram, neque ad Sinistram partem de vertentes legum ſuarum conſuetudinem & Sanctitatem patefacerent in hill. pretermittentes nihil addentes nil prevaricando mutantes.

And oftentimes both he and his Son called the Arch-biſhops, Biſhops, Abbots, *Archiepiſcopos, Epiſcopos, Abbates, Comites, Baronies, Vicecomites, cum ſuis militibus*; and the time following we find that there was *Conventus omnium Epiſcoporum Abbatum, & Procerum Regni Londini, & in Palatio Regis.* *Florentius Wigorenſis.*

But an old Manuſcript-book ſaith that the Firſt Parliament, wherein the Commons were called as well as the Prelates and Nobles, was *Anno* 16 *H.* 1. *Liber Cantuar.*

And then was firſt called by the name of Parliament, as ſome ſay, from the Peers, *a potiore parte quas parrum conventus*; ſome derive it from the Peer, *Rediculoſi quaſi partum lamentum*; others more probably derive it from the *French* word *Parler*, or that of the *Greek* παραλαλεῖν, that is to treat and to conferr

ferr together, ſome of the *French* Hiſtories write that this name in this ſence began at an Aſſembly of the Peers of *France*, about the year of Chriſt 1200. But I find the word to have been in uſe as in this Realm long before. For *Ingulphus* who died in the year 1109. uſed the word of the Meeting or Chapter of the Abbot and Convent, writing thus.

Conceſſimus etiam tunc Seriantiem nom. Eccleſiæ Seimano de Leke qui veniens coram conventu in Publico Parliamento nom. ſimiliter viramentum preſtit quod fidus nobis exiſterit : Neither do I doubt but that the word was brought into this Realm by the *French* mouth, and firſt uſed by the Statiſt in the time of *H.* 1. ſince that time the authority of this Court hath ſtood ſetled, and the Commonalty hath had their voices which the ſaid *Henry* the Firſt granted unto them, being a natural *Engliſhman* himſelf, and the love of the *Engliſh* Nation; when at that time the *Normans* were on the terms of revolt from him in favour of his Brother Duke of *Normandy*.

Now for the form of aſſembling theſe three ſorts of Eſtates in this high Court. I find no certainty till the time of King *John*, it is apparent by a Petition exhi-

bited

bited by the Lord *Fitz Hugh* in a Parliament holden at *Leiceſter* 2 H. 1. that the principal Nobility were only called, and they after the end of the Parliament to impart unto the Barons and their Country, what was done in the Parliament. Afterwards King *John* ordained that all the Barons of *England* ſhould come in their proper perſons to the Parliament whenſoever they were Summonned: The former I will deliver out of the words of the Petition.

Ipſe Dominus Rex quando generales Sumonitiones vicecomitibus cujuſlibet commitatus dirigeret ipſos invingendo quod omnes Comites & Barones quorum nomina infra Scripta fuerunt & intra ſuas Ballivas reſidentes ipſi ſummonirent ad veniendum ad Parliamentum Regis, & hoc non omittatur quæcunque ex cauſa Subpæna magni contemptus: At which time as it is in the Book intituled *Modus tenendi Parliamentum*, all Earls which have Land, Tenements and Revenues to the value of an entire Baron, which is 15 Knights fees and a half, come to the Parliament, but when ſo great a multitude bred Tumultuous confuſion, King *H.* 3. after that he had ſmarted by theſe confuſed multitudes of Barons, ordained that theſe Earls

Earls and Barons unto whom he had directed his Writ ſhould only come to Parliament, ſo the Ancienteſt Summons which I have ſeen, which were *Anno* 49 *H.* 3. they were called beſides the Earls 17 Barons, this which *H.* 3. began was fully perfected by King *Edward* the Firſt, his Son, who elected the wiſeſt, and ſuch as pleaſed him, and likewiſe omitted them and their Children in his Summons, if they did not equal their Parents in wiſdom and other good parts and Offices of valour and Government: So as we ſee in that time *Helton, Corbet, Points, Leibourne, Vavaſar, &c.* and ſuch other like were Summoned once or twice to Parliament, and their poſterity, wholly omitted afterwards. The Barons, and Biſhops were called *De Negotiis tracturi, & concilium impenſuri,* the Knights and Burgeſſes, *ad faciendum & conſentiendum iis quæ ibum de communi conſilio dicti Regni nom. favente deo, contigerit ordinari ſuper de Negotiis ante dictis,* and in the ſame words were the Clergy called *Ad faciendum & conſentiendum,* ſo as it ſeemeth they had as much to do in Parliaments then as Knights of Shires and Burgeſſes.

William Camden.

Of the Antiquity of the Parliaments in *England*.

Holland.

I find in many Ancient Hiſtories that the Kings of this Land, did uſe to call together the Nobility and States of this Realm to conferr with them eſpecially about matters of War, when any neceſsary occaſion did move them thereunto.

But it is thought by *Hollingſhed* in his Chronicle that the firſt uſe of Parliament did begin with the Seventeenth year of *Henry* the Firſt which ſince that time hath remained in force, and is frequented unto our times, inſomuch as when any thing is to be decreed appertaining unto the State of the Commonwealth, it ſhall not be received as a Law, until by authority of that aſſembly it ſhall be eſtabliſhed. *Hollingſheds* Chronicle.

It is recorded amongſt the Commons of

Parliament in the 35 *E.* 3. that there is one Writ *De admittendo fide dignos ad colloquium*; and amongſt the Earls and Barons there is returned *Marie counteſſe de Norfilk, Alianor Counteſſe de Ormone, Phillipp Counteſſe de March, Agnes Counteſſe de Pembrook and Katherine Counteſſe de Athell.* *Camdens Britania.*

Upon the Parliament Roll *Anno* 14. *vel* 15 *E.* 3. there are divers Writs directed to ſundry Earls and Barons *De veniendo Ad Regem*, whereof the firſt is directed to *William* Earl of *Southampton* to attend the King with 120 men at Arms, *William de Clinton* Earl of *Huntington* with 60 men at Arms, *Lawrence de Haſtings* Earl of *Pembrook* with 50 men at Arms, and ſo likewiſe there were divers directed to others, and theſe ſeveral kind of Summons, becauſe I find them recorded amongſt the Parliament Rolls; I thought good to remember them to you, I will conclude upon the Etymology of the word which is Parliament, which is to ſpeak, and deliver mans a mind freely in that Aſſembly. Wherefore the boldeſt Speech that ever I did read of to be ſpoken of in the Kings preſence, was ſpoken by *Roger Bigod* Earl Marſhal of *England*, unto King *Edward* the Firſt in the Parliament

liament Houſe at *Salisbury*, where the King would have him to go into *Gaſcoine* for him with an Army; but when the Earl excuſed himſelf, ſaying, he would be ready to go if the King went himſelf.

The King then in a great chafe ſaid by God Sir Earl thou ſhalt go or hang, and I (ſaid the Earl) ſwear the ſame Oath that I will neither go nor hang: And ſo departed from the King without taking leave.

Joſeph Holland.

THE

The Antiquity of Parliaments.

Cotton.

The two Sinews of the Common-wealth, } Puniſhment, And Reward.

AS touching the nature of the High Court of Parliament, it is nothing elſe but the Kings great Council, which he doth aſſemble together upon occaſion of interpreting or abrogating of old Laws, and making of new, as all manners ſhall deſerve; or for puniſhment of evil doers, or for reward of the vertuous; wherein theſe four things are to be conſidered.

1. Whereof the Court is compoſed.
2. What matters are proper for it.
3. To what end it is Ordained.
4. What is the means to bring the end to paſs.

1. As for the thing it ſelf it is compoſed of

of a Head and a Body: The Head is in the King, the Body are the members of the Parliament. This Body again is ſubdivided in two parts: The Upper and the Lower Houſe.

The Upper Houſe is divided partly of the Nobility Temporal, who are Hereditary Counſellors to the High Court of Parliament, by the Honour of their Creation and Lands; and partly of the Biſhops, Spiritual men, who are likewiſe by vertue of their dignity, *Et ad vitam*, of this Court. The other Houſe is compoſed of Knights of the Shires, and Burgeſſes for the Towns.

But becauſe the number would be infinite, for all the Knights, Gentlemen and Burgeſſes, to be preſent at every Parliament, therefore a certain number is ſelected out of that great Body, ſerving for that great Parliament where their perſons be the repreſentations of that great Body.

2. For the matters whereof they ought to treat, they ought therefore to be general; and rather of ſuch matters as cannot well be performed without the aſſembling of that general Body; and no more of the generals neither than neceſſarily ſhall be required; for as in *Corruptiſſima Rei Publi-*

ca

ca plurimæ ſunt Leges; ſo doth the life and ſtrength of the Law conſiſt not in heaping of infinite and confuſed numbers of Laws, but in the right interpretation, and due execution of good and wholeſome Laws.

3. The end for which the Parliament is ordained being only for the advancement Gods glory, and Eſtabliſhment of the weal of the King and his people; It is no place for particular men to utter their private conceipts for ſatisfaction of their curioſities, or to make ſhew of their eloquence by ſpending the time with long ſtudied, and eloquent orations, for the Reverence of God, their King, and to give their beſt adviſe for the furtherence of his ſervice, and flouriſhing weal of this Eſtate.

4. And laſtly to conſider the means how to bring all your Labours to a good end, you muſt remember that you are aſſembled by your lawful King to give him your beſt advice in matters propoſed by him unto you, being of ſo high a nature as before ſaid wherein you are gravely to deliberate, and upon your conſciences plainly to determine how far thoſe things propounded do agree with the weal of your King and the Country, whoſe weals cannot be ſeparated.

But of the form of holding, ſee Sir *Tho. Smiths* Book Cap. 3. Fol. 47. De-

Deſcriptions and Occurrences of the Parliament.

Selden.

THat we now agreeing with the *Scots*, do name a Parliament; the *Frenchmen* do call it *le Eſtates ou le aſſemble del Eſtates*, becauſe with them there (as with us alſo) the King, Nobility and Commons do meet thereat to conſult. And the ſame in *Germany* is termed a *Diet*; for thoſe other Courts that carry the name of Parliaments be but ordinary Courts of Juſtice, which as *Paulius Jovius* Writeth, are thought to have been planted by us, and of which our own Councels eſtabliſhed in *Wales*, and in the *North* parts do bear the neareſt ſhew and reſemblance.

This word Parliament ſaith one is compounded of *Parium & lamentum* becauſe (as he thinketh) the Peers of the Country did at thoſe meetings lament and complain

plain each to other of Country grievances, and thereupon provided redreſs for the ſame.

But their opinion's more probable (as I think) who drew *Parliamentum* from the *French* word *Parler*. And that alſo from the *Greek* παραλαλεῶ, both ſignifying to ſpeak, and ſo adjudge the determination (ment) which is common in the *French* Tongue as well to main *Nouns* as *Adverbs* do make up a Parliament, meaning thereby an aſſembly of men called together to ſpeak and confer of their advices or opinions.

And alſo it may not unfitly be called Parliament, for that each man there doth, or ſhould ſpeak his mind.

But *Laurentius Ville* miſliketh that manner of Etymology, I will not take upon me to ſet down the very time in which the the word Parliament came firſt in uſe.

But foraſmuch as it was tranſported out of *France*, it is not improbable to gueſs that it began here ſhortly after the time of the *Norman* Conqueſt; and of the firſt Authentical reports of that name Parliament that I have found in the Statute made 3 *E.* 1. and commonly called *Weſtminſter* 1. where that aſſembly is ſaid to be *Primer Parliament general a pres coronement*

ment le Roy; But yet that is not the very firſt uſe ot the word, for in the Statute called *Articuli Celeri* publiſhed 9 E. 2. theſe words are read amongſt others, *Temporibus Primo genitorum & quondam*, muſt needs reach higher than to *Edward* the Firſt that that was but Father to him that ſpake it. So that I can willingly therein ſubſcribe to the opinion of *Pollidore Virgill*, who in the XI. Book of his *Engliſh* Hiſtory which containeth the Reign of *H.* 1. that was Son to the Conqueror, Writing of the great Aſſembly at *Salisbury* ſaith thus, *Ad illud oppoſite habeo dicere Reges ante hæc tempora non conſuêviſſe populi conventum conſultandi cauſa nici perraro facere adeo ut ab Henrico id inſtitutem vire mannaſſe dici poſſit, &c.*

And a little after *Gallico Vulgo Parliamentum appellant, &c.* And this by ſo much the more credible, as that King laboured by all means, and eſpecially by reſtitution of the Ancient Laws (as all Hiſtorians do agree) to heal the hurts of the *Engliſhmen*, which were before deeply wounded by the oppreſſion of his Father, and his Brother *William*, to the end that he might thereby the better keep the Crown of this Realm againſt his Elder Brother *Robert*, who both had good right, and made his claim thereto.

But

But what time ſoever after the conqueſt this Court began to be called by the name of Parliament yet, is it certain that the ſame was free known to the *Saxons*, and *Engliſhmen*, ſometimes by the word of *Sinoth*, and *Gemot*, and *Micell*, *Witena*, *ala Witena*, and *Lemote*, and *Halimote*, that is to ſay, Aſſembly, or the meeting of the Wiſemen of a Shire o f the men of the Town, and of the Tenents of a Hall or Mannor had there beginning alſo. And as *Sinod* is more uſed in the Acts of Parliaments themſelves, ſo *Gemote* is more familiar to the Hiſtories.

Thus much of the Ancient uſual name, now let us look to the thing it ſelf, like as in War, when the King is preſent, and with him the Nobility, Gentry, Yeomanry, there is the force, and puiſſance of the Realm, even ſo in peace; whereſoever the Prince is (as the head) to give life, that is to yeild the laſt, and higheſt aſſent, and where the Barony conſiſting of the Lords Spiritual and Temporal, and Commonalty, made up of the Knights, and Burgeſſes (be as the Body) preſent at his commandment to deliberate, confer and conſent.

There is alſo the Council and Pollicy of the Realm, ſo that for as much as every

ry man from the higheſt to the loweſt, is there by perſon, or by procuration, therefore of right reaſon every man is ſaid to be found by that which doth paſs from ſuch an Aſſembly.

And this form of Policy is both Natural and Armonical, Natural in that it hath an Imitation of the natural Body, of a man (truly called the little world) out of the three Cells, whereof namely the Head, Breaſt, and Body, the whole three parts of the Soul do open, and utter themſelves, and Harmonical becauſe ſo well tuned a Baſs, Mean and Treble, there proceedeth a moſt exquiſite conſent, and delicious harmony.

The beginning of which manner of conſultation, and namely with us of this Realm, if not how can I derive it from any other time, than from that which the *German* and *Engliſh* Nation did ſet their firſt Foot in this Land to invade it.

For *Cornelius Tacitus* Writing of the manner of the Ancient *Germans* ſaith thus, *Nec Regibus infinita poteſtas de minoribus rebus Principes conſultant omnes*, neither did they together with the change of the Soil make change of this their wonted manner of deliberation, for it is yet extant in monuments

numents left behind them, that after their coming hither they frequented the ſame order in Councelling which they had uſed in their own Country before, for proof hereof I might call *Beda* the *Saxon* Hiſtoriographer to witneſs, who reporting how the Chriſtian Faith took root by little amongſt themſelves in their particular Kingdoms in this Land, Writeth, that King *Edwin* of *Northumberland* would not embrace the Preaching of the Goſpel, before he had commended and conſulted with his Freinds, his Nobility, and his Wiſemen. And ſo I end.

FINIS.

Proceedings upon Bills.

The firſt Reading.

THe Clerk reads the Bill ſtanding at the Table, and then delivers the ſame kneeling unto the Lord Chancellor, together with a Brief of the Bill.

The Lord Chancellor reads the Title of the Bill, and then reports the effect of the ſame out of the Brief, and concludes, This is the firſt time of the reading of this Bill.

At the firſt Reading, the Bill is ſeldom now ſpoken againſt.

There are preſidents to the contrary, *prout A.* 1 *H.* 8. 11 *de Parliamenti-Billa de actionibus* (brought from the Commons) *lecta* 1. *vice &*

Domini diſputando cenſerunt reformandum; quod regia Majeſtas haberet 3. *vel* 4. *annos pars vero contra partem, niſi unum annum.*

And a Bill hath been received at the firſt Reading *prout.*

Anno 3 *E.*6. 14 *No. Billa pro Juriſdictione Epiſcoporum* rejected, and a Committee appointed to draw a new Bill.

The Subſidy Bill and the Kings general Pardon, were uſed to be Read but once, and ſo were expedited at the firſt Reading.

Yet if a Proviſo be added to the Subſidy Bill, that hath been read three times *prout.*

So if a Proviſo be added to the general Pardon, that is to be read three times, *V.* 3 *E.* 6. 1 *Febr.*

Anno 35 *H.* 8. 4 *die Martii* 1. *Vice lecta eſt Billa*, concerning the Kings Majeſties Award between the Lord *Dacres*, and the Heirs general of Sir *James Strangwiſh* the younger, *cui quidem Billæ Proceres aſſenſerunt.*

Bills

Bills alſo have been committed at the firſt Reading.

Anno 6 H. 8. 14 Febr. recepta eſt Billa in papiro concernens apparatum & lecta, eſt jam primo, & deliberata Magiſtro Pigott reformanda.

Anno 1 E 6. 21 Nov. allata eſt a communi Domo Billa, for Benefices, common Preachers, and Reſidence. *Quæ 1. vice lecta eſt, & commiſſa eſt Archiepiſcopo Cant. Epiſcopis Elien. Dunelm. Roffen. & Lincoln. Marchioni Northampton. Domino St. John Comiti Arundel Domino Admiral, & Domino Wentwoorth.*

Anno 5 E 6. 16 Febr. Hodie 1. vice lecta eſt Billa, to avoid regrating, foreſtalling, *&c. & commiſſa Magiſtro Hales, Magiſtro Molineux, Magiſtro Saunders, & Solicitatori Regis.*

And there are very many Preſidents, that Bills have been committed at the firſt Reading, in the times of *H.* 8. and *E.* 6. as may appear by the Committees of thoſe times.

The like Preſidents I find in moſt of the Journals of Queen *Elizabeth*, *prout*, *&c.*

Anno 8 *Eliz.* 3 *Oct. Bill* for the better executing of certain Statutes, *&c.*

Eodem Anno 5 *Octobr.* touching Fines and Recoveries, *&c.*

Anno 13 *Eliz.* 20 *April.* againſt fraudulent Conveyances, *&c.*

Anno 14 *Eliz.* 12 *May*, for preſervation of Wood, *&c.*

Eodem Anno & Die, for the puniſhment of Vagabonds, *&c.*

And ſo in many other Parliaments of *Eliz. &c.*

The Second Reading.

In the ſame manner the Clerk reads the Bill the ſecond time, and delivers the ſame without a Brief to the Lord Chancellor.

His Lordſhip recites the Title thereof only, and ſaith, This is the ſecond Reading.

Then if no man ſpeaks againſt the Bill, it is ordered to be engroſſed, if begun

begun with the Lords; or to have a third Reading, if brought from the Commons.

If any doubt be conceived, which is often *pro forma tantum*, the Bill is committed.

V. inter ordines &c. An. 18. *Jacobi.*

Bills are commonly let paſs at the firſt Reading, and committed at the ſecond.

Yet it appears by many Preſidents of *H.* 8. *E.* 6. and Q. *Eliz.* that if the Lords did apprehend any diſlike or doubt in the Bill at the firſt Reading, it was then committed immediately, *prout antea.*

The Commitment of Bills.

AT the ſecond Reading, if the Bill be required to be committed, the Lord Chancellor demands of the Lords how many of each Bench ſhall be of the Committee.

Which being agreed on to 3,5,or 6, *&c.* the Earls are firſt named, then the Biſhops, then the Barons.

The like Order is obſerved in the naming of Committees for any other buſineſs.

And if there be five Earls, then five Biſhops, and ten Barons; the reaſon whereof I know not. *Neque fuit ſic a principio.*

Anno 3 *E.* 6. 14 *No.* the Committees to frame a Bill for the Juriſdiction of Biſhops, were the Marqueſs *Dorſet*, 4 Biſhops, and 2 Barons.

Eodem Anno 2 *Januarii*, the Committee ſent to the Duke of *Somerſet* were, 1 Earl, 5 Biſhops and 2 Barons.

Anno

Anno 27 *Eliz.* 4 *Decembr.* the Bill for the Clothiers of *Boxſted*, *&c.* was committed unto 3 Earls, 1 Viſcount, 1 Biſhop, and 3 Barons.

Eodem Anno 3 *Dec.* the Bill for the landing of Merchandize, *&c.* was committed unto 8 Earls, 2 Biſhops, and 4 Barons.

Eodem Anno 27 *Eliz.* the firſt Bill for encreaſe of Mariners, was committed unto 2 Earls, and 6 Barons, and no Biſhops.

Eodem Anno & Die, the Bill for the Sabbath day, is committed unto 6 Earles, 1 Viſcount, 5 Biſhops and 7 Barons.

The Preſidents hereof are infinite, that no ſuch order was obſerved to name a ſet number of each Bench, or to double the number of Barons until in the latter Parliaments of our late King *James*: Neither was this conſtantly obſerved until the Parliament of 12 *Jacobi Regis*, and afterwards. For in the Fourth Seſſion of the Par-

liament, *Anno* 1. *Jacobi Regis*, sometimes the number of each is equal, and sometimes the Barons are the greater number. But they seldom double the number of the other Bench, unless in the Committees of a small number.

But here may be a question (*viz.*) Whether a Bill may be committed by the orders of the House, if no Lord move any doubt, or imperfection in the same.

And I am of opinion that it may not, neither is it necessary.

My reason is, for that I find many Bills to pass without commitment, and some at the second Reading in the times of *H.* 8. *E.* 6. and Queen *Elizabeth.*

But now the constant order is to Read every Bill (save the Pardon) 3 times.

And the general Voice to commit the Bill at the 2 Reading, shews that the Lords do conceive some doubt therof, though none move any.

The

The manner how Committees are named.

THe number of each Bench being agreed, they are named *promiſcue*, by any of the Lords, but the Clerk is to be careful to ſet down thoſe whom he hears firſt named: which is done in this manner.

Firſt the Earls are named and thoſe that ſit on that Bench.

The Clerk having written them ſtands up and Reads their names.

Then the Biſhops, then the Barons in like manner.

And if the Clerk happen to ſet down more than the number agreed on; it is in the Liberty of the Houſe to take out the latter, and ſo to leave the juſt number, or to admit them.

Then the Houſe names the attendants which are of the Judges, the Kings learned Council, and the Maſters of the Chancery.

The

The Clerk Reads their names also.

The last is the time and place where to meet, which being agreed on, and set down, the Clerk reads that also.

Who may not be Committees, and who ought to be.

IF any Lord speak against the Body of the Bill, he is not to be named of the Committee of the same Bill.

No absent Lord is to be of any Committee, unless Officers of State, when the Bill or Business concerns their Office. And then they are to be named, and to have notice sent them thereof.

V. Anno 1 *Jac.* 14 *Junii*, Subsidy of Tonnage and Poundage.

That Lord which moveth any doubt concerning the Bill, ought also to be named, and to be of the Committee, if he be present.

This is also a received opinion, and often in practice; and the Clerk ought to

to be attentive, and hearken after the names of ſuch Lords.

The number of the Committees being agreed on, named and Read, the Clerk delivers the Bill with a note of the Committee affixed, unto the firſt of the Committee then preſent.

The Committees being met, though not all, yet if the better half, they may proceed.

Anno 18. & 19. *Jac.* 30. *No.* It is ordered that that if 10 or upwards of any Committee do meet (though not the one half of their number) they may proceed notwithſtanding.

At the Committee the Judges and and other Attendants do neither ſit, nor are covered unleſs it be out of favour, and then they ſit behind, but are never covered.

One of the attendants Reads the Bill and writes the amendments (if any) in Paper, with directions to the places to be amended.

And if any addition or Proviſo be conceived, he writes the ſame in Paper alſo,

alſo with directions where they are to be placed.

Any other Member of the Houſe may be preſent at this Committee, but they may not Vote: And muſt give place to all of the Committee, and ſit below them.

If the Buſineſs be not diſpatched at the firſt meeting, the Committees themſelves may appoint another day. *V. An. 4 Jac. 26 Febr.*

But this muſt be done before their departure.

Council heard at the Committee.

AT this Committee, if it be a private Bill, they will not only call both parties before them, but hear their Council.

Wherein this order is obſerved, that the Council who ſpeaks againſt the Bill is heard firſt, for it is already underſtood what the Bill deſires.

And

And either part may desire to have their Council heard in the House, which being reported by the Committee, is so ordered.

There also the Council against the Bill speaks first.

And for publique Bills Council is also heard, if any oppose it.

And if a publique Bill concern any Officer, Corporation, or particular Person, or any Artificers, they are usually sent for to attend the Committee.

The Bill reported by a Committee to the House.

THe Committee, or greater part being agreed what report to make to the House,

The first of the Committees that was present, makes report thereof standing and uncovered with the Bill in his hand.

And all the rest of that Committee (then present) stand up and are uncovered,

covered, whereby they signifie their assent unto the said report.

The report being ended, he delivers the Bill and the amendments, addition and Proviso, (if any) unto the Clerk, who goes from his seat, and receives the same from his Lordship

If the report be for the Bill to sleep it is so ordered and entred by the Clerk in the Journal Book, and endorsed on the Bill also.

If Amendments, Additions, or Proviso's be reported (when the House orders the same to be read) they are Read on this manner by the Clerk, (*viz.*) The amendments of the Bill &c. (reciting the Title thereof, or the Additions or Priviso's to be added to the Bill, &c. And so Reads the same as they are in the Paper delivered by the Committee.

Then the Clerk delivers the same kneeling unto the Lord Chancellor, having first endorsed on the amendments &c. 1. *Vice lecta.*

His

His Lordſhip firſt Reads the Title of the Bill. Then that the ſame is returned by the Committees amended thus (*viz.*) In ſuch a line between ſuch a word, and ſuch a word inſert theſe words, *&c.*

Or in ſuch a line put out this words, *&c.* and ſaith further, before it was thus, and now it is thus.

If additions and Proviſo's are only reported, and no amendments, then his Lordſhip, firſt recites the Title of the Bill, then that it was committed and returned with ſuch or ſuch Additions, or Proviſoes, and ſo repeats the effect thereof briefly.

This being done, the Lord Chancellor demands whether their Lordſhips be pleaſed that their amendments, *&c.* ſhall receive a ſecond Reading, and if ſo agreed on,

The Clerk receives the Bill with the amendments, *&c.* of his Lordſhip, and Reads the ſame again, and endorſeth on the amendments, *&c.* 2. *Vice lecta, &c.* And

And kneeling delivers the ſame unto the Lord Chancellor again.

His Lordſhip Reads the ſame thus.

Firſt recites the Title of the Bill, then that it hath been committed and returned with amendments, *&c.* the which amendments have been twice Read. And demands their Lordſhips pleaſure (if the Bill began above) whether the Bill ſhall be engroſſed with the ſaid amendments, *&c.* or no: And if anſwer be made affirmitively and no Lord ſpeaks againſt it: Then it is ſo ordered to be done; and the Clerk receives the Bill again, and endorſeth on the ſaid amendment to be engroſſed; if the Bill be ſent from the Commons, then the Lord Chancellor demands their Lordſhips pleaſure whether the ſaid Bill, and amendments, *&c.* ſhall be Read the third time or no.

At the ſecond Reading any of the Committee may ſpeak againſt the Body of the Bill, or againſt the amendments, *&c.* before they be engroſſed.

V.

V. An. 39. *Eliz.* 24 *Jan.* This was de bated, but not then determined. But *An.* 43 *Eliz.* 12 *No.* it was reſolved by the Houſe.

Recommitted.

THe Bill being thus reported by the Committee: if any doubt be moved, and the Houſe think good then (before the amendments be ordered to be ingroſſed) or ordered to have a third Reading, the ſame may be recommitted, either to the former Committees only, or to the ſame and others.

If the Committee find the Bill ſo imperfect, that it can hardly be amended,

Then they may without further order from the Houſe, frame a new Bill.

Which is moſt commonly done by one of the Attendants.

This new Bill being agreed on and returned with the old Bill to the Houſe, and the cauſe thereof reported by the Committee, the old Bill ſleeps. And

And the Lord Chancellor demands of the Lords whether they be pleaſed that the new Bill ſhall be Read or no, which is done accordingly.

If any doubt be conceived of the new Bill, the ſame may alſo be committed as the former was recommitted.

Or (after the ſecond Reading) the Houſe may order a third Bill to be framed. *V. An.* 1 *Jacobi* 4 *Junii.* Recuſants: But after the third Reading this is not now done.

The third reading.

THe Clerk firſt Reads the Title, and then Reads the Bill, and delivers the ſame to the Lord Chancellor in manner as before having firſt indorſed 3 *An. V. lecta.*

His Lordſhip repeats the Title only and ſays, this is the Third Reading of this Bill.

If no Lord ſpeak againſt it, then his Lordſhip demands, whether he ſhall put

put it to the Queſtion which being agreed on, or not denied.

The Queſtion is thus.

Such of your Lordſhips as are of opinion, that this Bill is fit to paſs (or ſhall paſs, ſay content.

They which are of another opinion ſay not content.

Then the loweſt Baron begins and ſaith content, or not content, without any more words. And ſo they proceed in order to the firſt Baron.

Then the Biſhops.

Then the Viſcounts, and Earls, and thoſe that ſit on the Earls Bench in like manner.

The Lord Chancellor, or Lord Keeper (if he be a Baron, Earl, or Biſhop,) removes to the firſt place on the Earls Bench, and giveth his voice Content, or not content.

The Prince (if preſent) ſpeaks laſt, if any doubt be of the moſt voice then one Lord who ſaid content, and another Lord who ſaid not content

are

are appointed to number them by the Poll, which they do in this manner.

They go together to the Barons Bench, and every Lord who ſaid Content, ſtands up. Then the Biſhops and Earls Bench in like manner.

Then they return again to the Barons Bench, and every Lord who ſaid not content ſtandeth up; and ſo of the Biſhops and Earls.

And according to the relation it is agreed whether content, or not content, had the more voices.

And the Bill doth paſs or is rejected accordingly.

This Order is obſerved in all Queſtions.

Upon examining of the Votes the Proxies of the abſent Lords may be demanded, and ſuch Lords as gave their own Vote with the Queſtion may give his proxies againſt it, *Prout.*

Nova

Nova Billa.

IF the Bill began below be committed, and a new Bill brought in by the Committee,

When the ſame is paſt by the Lords, it is to be returned to the Commons together with the Old.

Hereof are may Preſidents, *temporibus H.* 8. *E.* 6. *Eliz.* And one 4 *Jac.* 27 *May pro Comite Darby.*

So likewiſe the Commons are to do if they make a new Bill.

ut if the Commons ſend up a new Bill, and the Lords Reads the ſame and reject it, the Commons cannot ſend up another Bill of the ſame Argument in the ſame Seſſion: *V. An.* 3 *Jacobi* 27 *May*, Purveyors.

If the Lords paſs a Bill, and ſend it to the Commons, and they reject the ſame without conference with the Lords, they cannot ſend up a new Bill of of the ſame Argument (in the ſame Seſſion) *V. An.* 29 *Eliz.* 22 *Martii*, *Handfords* Bill. But note this new Bill

Bill was sent up without the old, otherwise I conceive it had been according to Orders.

And I suppose the reason to be for that the Lords will not proceed in a new Bill, before they understand what is become of the Old, which they formerly past: Nor unless they may also have by them the former Bill.

And therefore either a conference or the old Bill to be returned is necessary.

The same order is observed if the Commons send up a Bill to the Lords.

Amendments, and Additions, or Provisos added afterwards how lawful.

V. *An.* 27 *Eliz. Decembr.* 17 The Commons sent up a Bill (for the Sabbath day) to the Lords who past the same with amendments, and so returned it to the Commons: They sent it back to the Lords with new amend-

mendments who rejected the ſame as againſt Order.

It ſeems the Commons had ſome conference with the Lords concerning the ſame; for afterwards in the ſame Parliament the Third of *March* it is thus entred (*viz.*)

Memorandum that this day were choſen for Committees to examine the Record touching paſſing amendments of amendments, moved to the ſame by the lower Houſe, the Lord Treaſurer, the Earl of *Suſſex*, the Viſcount *Mountague*, the Biſhop of *Wincheſter*, the Lord *Hunſdon*, the Lord *Buckhurſt*, the Maſter of the Rolls; and Mr. Attorney about the Bill for the better obſerving of the Sabbath day.

The Preſidents they named were the Bills for Treaſons, and bringing in of Bills. Acts paſſed in *An.* 13. of the Queen.

But theſe Preſidents appear not in the Journal of the upper Houſe.

It ſhould ſeem, that the Lords were then ſatisfied, and ſignified the ſame

unto the Commons, for afterwards 6 *Martii*, the Commons returned the same again with amendments of amendments, which the Lords publickly read 3. times and past the same.

V. the Journal of the lower House 22 *Febr. fol.* 97 & 99. That the Commons desired the Lords that search might be made in the upper House, for Presidents touched by them of the lower House, and reported by the Committee. That upon search of Presidents their House might add to the Lords former additions to a Bill *pro Billa* Sabbath day. *V. tamen An.* 39 *Eliz.* 14 *Jan.* The Lords having returned to the Commons their Bill for Houses of Correction with amendments and Provisoes, the Commons prayed a Conference touching the said amendments and Provisoes.

The Lord yielded to the Conference thus far, to satisfie the Commons what moved their Lordships to make those amend-

amendments with this caution, that nothing can now be altered by the order of this Houſe.

Amendments upon amendments were very uſual in the times of *H.* 8. and Q. *Mary*, *prout An.* 32 *H.* 8. 2 *July* & 5. 12,19,21, 22 & 24 *July Billa annexorum honori de Petworth.*

An. 32. *H.* 8. 1 *Martii.* & 4. 5, 6,10. & 18. *Martii. Billa* concerning the Firſt Articles.

An. 35 *H.* 8. 4 *Martii. &c.*

Billa for the Lord decrees.

An. 37. *H.* 8 27 *No. &c.*

Billa pro Cuſtode Rotulorum, &c.

An. 6 *H.* 8. 15 *Martii, & uſq;* 3 *April. Billa Ducis Suff.*

An. 4 & 5. *Ph.* & *Mar.* 18 *Febr. &c. Billa* for Muſters.

Anno 31 *H.* 8. 10. *Junii.* The Bill for the Firſt Articles are ſent to the Commons, 14 *Junii* it is returned with a Proviſoe, and expedited 16 *Junii*: And 24 *Junii*, the Lords and Commons agree to ſome amend-

ments. Afterwards the 27 *Junii*, the Lords agree to another Proviſoe, and ſend it with a Proviſoe to the Commons 28 *Junii*, who returned the Bill expedited the ſame day in the Afternoon.

An. 37 *H.* 8. The Bill for the *Guſtos Rotulorum* returned from the Commons with a Proviſoe, rejected by the Lords, and ſent back to the Commons, and returned by them expedited (without the Proviſoe) 16 & 18 *Decembris.*

An. 4 *Jac.* 29 *Junii*, The Lords having returned to the Commons their Bill of Hoſtile Laws with amendments and a Proviſoe, the Commons prayed a Conference for conſideration thereof.

At the Conference they moved that they may clear their doubt of the ſaid amendments, and Proviſoe, either by amendment, or by another Proviſoe; of which kind of Proceeding, they affirmed they had good Preſidents of former times in like caſe.

And

And accordingly they did amend the ſame: And the Lords paſt the Bill after the third Reading thereof, *V. ib. 3 Junii & in pomeridiano.*

Amendment of the amendments how Lawful.

THe amendment of a Bill coming from the Commons (as hath been ſaid) are to be written in Paper and to be inſerted into the Bill by the Commons at the return thereof unto them. And if the Commons do think fit, that thoſe amendments be amended they are to ſignifie ſo much to the Lords and to move their Lordſhips to amend their own amendments before the ſame be aſſerted in the Bill. *V.* the Journal of the lower Houſe. *An.* 27 *Eliz.* 10 *Martii fol.* 132. The Bill againſt Jeſuits, & *ib. A.* 23 *Eliz.* 17 *Martii*, concerning the Borders of *Scotland*, where the Lords are prayed to amend the ſenſe of their own amendments; the

the Bill was sent them, and returned amended.

Divers Lords were of opinion the last Parliament *An.* 18 & 19 *Jac.* That a Bill might be amended after the third Reading.

But in the same Parliament 27 *No.* in the Bill for Suits, and 1 *Decembr.* in the Bill for Monopolies it was agreed *per plures* (but the question for it was denied) that it was against the orders of the House to recommit a Bill after the third Reading.

Yet it was agreed that a Bill might have a small amendment after the Third Reading, with which agreeth that *Anno* 27 *Eliz.* 13 *Martii.* In the Bill for Provision to be made for the Queens Royal Person, &c. which was thus amended of the Third Reading, and before it was put to the question (*viz.*) in the 24 line after this word (left) put out (so as) and in place thereof put in (foreseeing that) And such small amendments are usual after the Third Reading. E 4 A

A Proviſoe added after the Third Reading, not uſual now.

Anno 35 *Eliz.* 9 *April.* A ſaving of the Queens Right, and all mens right added to the Bill for repealing of certain uſes, and concerning the Lands of *Anthony Coke* Eſq; was added to the Bill after the the Third Reading and Queſtion.

This Bill was ſent up by the Commons 28 *Martii* & 6 *April* it was Read the Third time and Expedited. The ſaving was added the 9 of *April* with this Caution, that the Lords upon weighty conſiderations have ordered that this ſhall not hereafter be drawn to make any Preſident. Then the Bill was returned to the Commons who ſent it up the ſame day expedited.

According to this order of *Anno* 35 *Eliz.* the Houſe hath forborn to add any

any thing to the Bill after the Third Reading *prout*. *Anno* 3. *Jac.* 13. *Martii* 3. *Vice lecta est Billa.* For the establishing of the possessions of *Edmund* late Lord *Chandois* of *Sudley*. And ordered that the late *Chandois* shall give security for the payment of 7000 *l.* to her Daughter *Katherine* before the Bill be sent to the Commons; For that the same is not sufficiently provided for by the Bill.

15 *Martii* this is referred to Mr Justice *Tanfeild*, and Mr Justice *Crook*, and they to acquaint the Lord Committees that were named on the Bill with the cause by them advised on. That the Lords might proceed for the security as they should find cause.

27 *Martii*. This Bill (with others) is sent down to the Commons with a recommendation from their Lordships, to be had by them touching assurance to be given for the said portion which was not remembred to their Lordships until the Bill was past this House.

But

But this order was not thus nicely obſerved, *tempore H.* 8. *An.* 6. *H.* 8. 1 *Martij Billa concernens debita Regia lecta eſt* 3.

3 *Martij lecta eſt* 4. *& Domini deliberabunt.*

15 *Martij lecta eſt* 5.

16 *Martij lecta eſt.*

20 *Martij lecta eſt & Domini deputaverunt principalem Juſticiorum & ad conſiniendum quendam effectum pro ſecuritate regia pro debitis ſuis obtinendis.*

Here it appears that at the third reading, the Lords not being agreed, the Bill was Read again the fourth time, yea and the 6. and 7. times, and at laſt the Lords appointed a new Bill to be drawn.

There are many Preſidents that Bills have been read oftner than thrice in that Kings Time, and of *E.* 6. by which it appears that Bills might then be recommitted after the third Reading. *V.* My Collection of thoſe Times

Times which I will not here relate: For that it is now constantly observed to Read Bills but thrice.

A Proviſoe added by the one Houſe, and deſired to be taken away by the other Houſe, whether Lawful.

THis was uſual in former times, yet in the Parliament 21 *Jac.* 28 *May* the Lords having returned unto the Commons their Bill for eaſe of Pleading of Licence of Alienations *&c.* with a Proviſoe, the Commons miſliking of the Proviſoe, deſired a Conference, and moved to have the Proviſoe taken away, and ſome doubting and others affirming that this could not be done by the orders of the Houſe, the Commons framed a new Bill to that purpoſe without a Proviſoe, and ſent it up to the Lords the next morning, and with it returned the old Bill, and

and the Lords paſt this new Bill.

Anno 3 *H.* 8 24. *die Parliamenti Billa concernens Coriarios lecta eſt primo &c.* ſent to the Commons, & 29. *die Parliamentum aſſentita eſt, dempreta additione.*

Anno 6 *H.* 8. 31 *die Martii Billa Ducis Suff. remiſſa eſt in domum communem, & due proviſiones eidem prius per Commiones annexæ abſtrahuntur & eodem die recepta eſt, ablatis proviſionibus prius annexis.*

Anno 1 & 2 *Ph. & Mar.* The Bill for the Supremacy of *Rome*, 4 *Jan.* a Proviſoe added by the Commons miſliked, a new Bill made, and the old taken away by the Commons at the Lords requeſt.

Anno 4 & 5 *Ph. & Mar.* The Bill of Muſters returned from the Commons with two Proviſoe's, and ſent back to have them taken away, and returned again with certain Corrections mentioned in a ſchedule, expedited 4 & 6 *Martii & prout M.* 6 *May.*

FINIS.

Errors of the Press, in the Opinions of the Antiquaries.

P. 1. l. ult. r. *Jure* : p. 3. l. 4. r. *Realm by the Statists* : l. 13. r. *Wittena motu* : p. 5. l. 17. r. *Seats* : p. 6. l. 11. after *obligeretur* add *non ad id* : l. 13. r. *vanished* : p. 7. l. 2. r. *Regibus* : p. 10. l. penult. after *first* add *held the first* : p. 11. l. 4. r. *pro* : p. 14. l. 5. r. *veult* : p. 15. l. 21. r. *Servientibus* : p. 22. l. 4. r. *civitatem* : p. 38. l. 25. after *Henry* add *the first was* : l. ult. r. *H.* 1. p. 41. l. 5. r. *here some gather* : p. 46. l. 19. r. *tractaturi.*